

REMARKS

This Reply amends Claims 7, 9, 13, 16, and 17. Claims 7-9, 11-14, 16, and 17 are pending.

The previous Office Action cites U.S. Patent No. 4,112,161 to Sorrells as anticipating or rendering the previously pending claims invalid. The Sorrells' patent was the subject of previous Office Actions. Sorrells uses a hot melt adhesive to secure the stitches of the pile. Sorrells is directed at the uncomplicated field of carpet installation- and particularly improving the handling of carpet.

Sorrells does not show or suggest what is now claimed in claim 7, that is, "a permeable polymeric material that...is wicked into the textile tufts." This wicking-in is supported in the Figures (see the description of Figures 3 and 4) and the Specification page 6, line 3 and page 7 line 5, and thus no new matter is added by this amendment. Sorrells does not show or suggest the polymeric material wicked into the textile tufts as is now claimed in claim 7 and its dependent claim 8.

Sorrells also does not show what is now claimed in claims 9, 13, 16, and 17 which all claim an assembly or panel that is used with a motor vehicle. Sorrells does not show or describe any use in the motor vehicle field. Further, for the claims directed specifically at "panels", Sorrells does not suggest using its fabric in a panel. And with respect to claim 9, Sorrells does not show or suggest that "the shape of the panel corresponds to a predetermined shape of an interior surface of a motor vehicle" as is now claimed in claim 9. Again, Sorrells only shows a simple fabric carpet.

The January 2002 Office Action (Paper 17) rejected claim 9, which was directed to a “vehicle sound insulating carpet panel” for the reason that a “preamble is generally not accorded any patentable weight.” Action at Page 4. Since that Office Action, the Federal Circuit has addressed the relevance of a claim preamble, stating that:

[T]he claims’ recitation of a patient or a human “in need” gives life and meaning to the preambles’ statement of purpose. See Kropa v. Robie, 38 C.C.P.A. 858, 187 F.2d 150, 152 (CCPA 1951) (stating the rule that a preamble is treated as a limitation if it gives “life and meaning” to the claim). The preamble is therefore not merely a statement of effect that may or may not be desired or appreciated. Rather, it is a statement of the intentional purpose for which the method must be performed.

Jansen v. Rexall Sundown, Inc., 342 F.3d 1329, 1332 (Fed. Cir. 2003).

Jansen even discusses the case cited in the Action (Kropa) as supporting the premise that a claim preamble can be treated as a limitation if it gives life and meaning to a claim. For claims 9, 13, 16, and 17, and their dependent claims, the life and meaning is that the constructions are novel and non-obvious in motor vehicles when used as “sound insulating panels” (claims 9 and 17) and “assemblies” (claims 13 and 16).

All of the independent claims are amended to remove the specific permeability previously claimed. Other minor amendments were made to claims 7 and 8 to improve clarity.

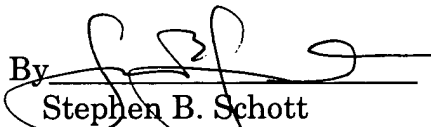
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Application No.: 09/266,155

Based on the foregoing Amendment and Remarks, claims 7-9, 11-14, 16, and 17 should currently be in condition for allowance and a Notice of Allowability is respectfully requested. If the Examiner believes that an in-person or telephone interview would advance the prosecution of this case, the undersigned invites such an interview.

Respectfully submitted,

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